

REMARKS

Upon entry of the foregoing Amendment, claims 4 and 13-62 are pending. Claims 4, 13, 27, and 49 have been amended. No claims are cancelled and no new claims are added.

In view of the foregoing Amendment and the following Remarks, allowance of the pending claims is requested.

REJECTIONS UNDER 35 U.S.C. §103(a)

Claim 4

The Examiner has rejected claim 4 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,304,892 to Bhoj et al. ("Bhoj") in view of U.S. Patent No. 6,052,722 to Taghadoss ("Taghadoss"). Applicant traverses the rejection for at least the reason that the Examiner has failed to make a *prima facie* case of obviousness. However, solely to expedite prosecution, Applicant has amended claim 4 to further clarify the features of the invention.

In the Office Action mailed October 20, 2005 ("Oct. 2005 Office Action"), at pages 2-3, the Examiner concedes that Bhoj fails to teach determining a cause of a change in the state of a service by performing an action when the state of the service changes. The Examiner relies on Taghadoss, however, for this feature. Applicant submits that there exists no teaching, suggestion, or motivation to modify Bhoj to include the teachings of Taghadoss.

Assuming, *arguendo*, that there was a teaching, suggestion, or motivation to combine the two references, the rejection would still be improper as the portions of Bhoj and Taghadoss relied upon by the Examiner, even when combined, fail to disclose, teach, or suggest all of the features of claim 4.

For example, claim 4 prior to the current amendment recites, "*monitoring at least the selected network components to determine the state of the service...*" The Examiner relies on Bhoj col. 3, line 62 – col. 4, line 11 and Bhoj col. 8, lines 3-20 as allegedly teaching this feature. However, these portions of Bhoj do not deal with monitoring selected network components to determine a state of a service.

The portions of Bhoj in cols. 3 and 4 relied upon by the Examiner apparently deal with exchange of management data between two data service systems such that the data service systems are not granted complete access to one another. No where in this portion of Bhoj is monitoring of *selected* network components discussed. In fact, these portion of Bhoj explicitly state that the “management data...include[s] both management and/or measurement data of the *data service system*.” Bhoj, col. 4, lines 9-11 (emphasis added). The use of total system information is distinct from monitoring selected components within a system as recited in the claimed invention, especially considering that the selected components of the claimed invention have been specifically selected (or mapped) to a service provided by the network.

The portions of Bhoj in col. 8 relied upon by the Examiner also do not disclose monitoring selected network components that have been mapped to a service. This portion of Bhoj apparently relates to the use of variables for use in a equation relating to contract agreements. In fact, Bhoj gives examples of these variables: “current network load,” “averages or variances,” “growth rates,” that are not consistent with monitoring selected components that have been selected or mapped to a service. Bhoj, col. 7, lines 65-67.

For at least this reason, the Examiner has failed to show that Bhoj alone or in combination with Taghadoss teaches or suggests all of the features of claim 4. However, solely in an effort to expedite prosecution, Applicant has amended claim 4 to clarify the features of the invention. As such, this rejection must be withdrawn.

Claims 13-17, 19-35, 37-53, and 55-62

The Examiner has rejected claims 13-17, 19-35, 37-53, and 55-62 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,249,755 to Yemini et al. (“Yemini”) in view of Bhoj in further view of Taghadoss. Applicant traverses these rejections for at least the reason that the Examiner has failed to make a *prima facie* case of obviousness. However, solely in an effort to expedite prosecution, Applicant has amended independent claims 13, 27, and 49 to further clarify the invention.

In the Oct. 2005 Office Action, at pages 4-5, the Examiner concedes that Yemini fails to teach associating a component of a network to a service supporting a business process; determining a state of the service from a parameter of a monitored network component; and monitoring the state of the service to provide service level management. The Examiner relies on Bhoj and Taghadoss, however, for these features. Applicant submits that there exists no teaching, suggestion, or motivation to modify Yemini to include the teachings of Bhoj and Taghadoss.

Assuming, *arguendo*, that there was a teaching, suggestion, or motivation to combine these references, the rejection would still be improper as the portions of Yemini, Bhoj, and Taghadoss relied upon by the Examiner, even when combined, fail to disclose, teach, or suggest all of the features of independent claims 13, 27, and 49.

For example, claim 13 prior to the current Amendment recites: “*associating a component of the network to the service supporting the business process under service level management in association with the service level management domain...*” Claims 27 and 49 recite similar language.

The Examiner relies upon Taghadoss, col. 5, ll. 15-36 as allegedly teaching this feature. However, this portion of Taghadoss apparently relates to a “more efficient way of identifying the actual state and operational status of managed network resources,” wherein an example of a network resource is a piece of physical hardware. Taghadoss, col. 5, lines 24-30. While identification of the state and/or operational status of a piece of physical hardware may ultimately lead to correlation with a service (and perhaps may ultimately be correlated to a state of that service), the physical components upon which the service depends must first be identified and associated with the service. This association is one of the features that the invention provides. The portion of Taghadoss relied upon by the Examiner fails to provide this association feature and appears to only deal with identification of resource states. Thus, for at least this reason, the portions of Yemini, Bhoj, and Taghadoss relied upon by the Examiner fail to teach or suggest all of the features of claims 13, 27, and 49 as written prior to the Amendment.

However, solely in an effort to expedite prosecution, Applicant has amended independent claims 13, 27, and 49 to further clarify the invention. As such rejection to claims 13, 27, and 49 must be withdrawn. Furthermore, the rejections to each of claims 14-17, 19-26, 28-35, 37-48, 50-53, and 55-62 must be withdrawn because they depend from and add features to the independent claims.

Claims 18, 36, and 54

The Examiner has rejected claims 18, 36 and 54 under 35 U.S.C. §103(a) as allegedly being unpatentable over Yemini, Bhoj and Taghadoss as applied to claims 13, 27, 35 and 49 above, and in further view of Giltho *et al.* (USP 6,233,449). Claims 18, 36, and 54 depend from and add features to the independent claims. Giltho fails to cure the deficiencies of the Examiner's rejections with respect to the independent claims discussed above. Thus, the rejections of the dependent claims are likewise improper and must be withdrawn.

CONCLUSION

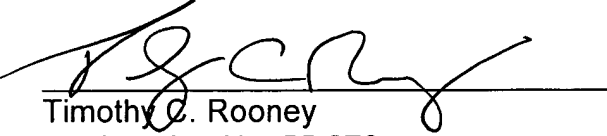
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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